

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA                     )  
  )  
vs.   ) No. 1:15-CR-23-PLR-SKL-8  
  )  
KEVIN DENNEY                                     )

**ORDER**

Magistrate Judge Susan K. Lee filed a Report and Recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the Indictment; (2) accept Defendant's plea of guilty to the lesser included offense of Count One of the Indictment, that is, of conspiracy to distribute and possess with intent to distribute a mixture and substance containing methamphetamine; (3) adjudicate Defendant guilty of the charge set forth in the lesser included offense of Count One of the Indictment; and (4) find Defendant shall remain in custody until sentencing in this matter [R. 376]. Neither party filed a timely objection to the Report and Recommendation. After reviewing the record, the Court agrees with the Magistrate Judge's Report and Recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation [R. 376] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's motion to withdraw his not guilty plea to Count One of the

Indictment is **GRANTED**;

- (2) Defendant's plea of guilty to the lesser included offense of Count One of the Indictment, that is, of conspiracy to distribute and possess with intent to distribute a mixture and substance containing methamphetamine, is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charge set forth in the lesser included offense of Count One of the Indictment;
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **April 18, 2016 at 10:00 a.m.** before the Honorable Pamela L. Reeves, United States District Judge.

**SO ORDERED.**

**ENTER:**

  
UNITED STATES DISTRICT JUDGE